

1 Jacob A. Mark, WSBA 54280
2 Christopher C. Browning, Jr., WSBA 44760
KS Lawyers, PLLC
2 108 N. Washington St., Suite 201
3 Spokane, WA 99201
4 Telephone: (509) 455-3647
Facsimile: (509) 624-2081
5 Email: jmark@ks-lawyers.com
cbrowning@ks-lawyers.com

6 Attorneys for Plaintiff

7 **UNITED STATES DISTRICT COURT**
8 **FOR THE EASTERN DISTRICT OF WASHINGTON**
9 **AT SPOKANE**

10 LINDSAY GREGORY, individually,

11 Plaintiff,

12 v.

13 STATE FARM FIRE & CASUALTY
COMPANY, an Illinois Corporation,

Defendant.

14 NO. 2:24-cv-00193

15 JOINT STATUS REPORT

16 COMES NOW Plaintiff Lindsay Gregory and Defendant State Farm Fire &
Casualty Company, by and through their undersigned attorneys, and respectfully
submit this Joint Status Report pursuant to Fed. R. Civ. P. 26.

17 The parties conferred by telephone on August 1, 2024 and hereby submit the
18 following report:

- 1 1. The parties have notified the Clerk's Office regarding whether they consent
- 2 to the case being heard by a full-time U.S. Magistrate Judge.
- 3 2. Jurisdiction exists via diversity jurisdiction as Plaintiff is a Washington
- 4 resident and Defendant is an Illinois Corporation and the amount in
- 5 controversy exceeds \$75,000.00. Venue is appropriate in the District Court
- 6 for the Eastern District of Washington because the controversy arises out of
- 7 a contract entered into in the Eastern District of Washington and the home
- 8 at issue is located in the Eastern District of Washington.
- 9 3. Service is complete.
- 10 4. The claims at issue in this litigation include IFCA, Consumer Protection Act
- 11 violations, breach of contract, bad faith, negligence, negligent supervision,
- 12 and declaratory relief related to the claim handling of Plaintiff's
- 13 homeowner's insurance party subsequent to the Gray Fire in Medical Lake,
- 14 WA.

15 The defenses are: 1. On information and belief, Plaintiff's claims are
16 barred to the extent the equitable doctrines of waiver, estoppel, unclean
17 hands, and laches apply; 2. Plaintiff is not entitled to recover under the
18 Policy because exclusions, limitations, terms, conditions, definitions,
19 endorsements, or other provisions may apply; 3. Plaintiff may have failed

1 to mitigate her damages and protect herself from avoidable consequences;

2 4. State Farm asserts the affirmative defense of payment; and 5. State
3 Farm is entitled to an offset or set-off of any monies paid to Plaintiff.

4 5. No statute's constitutionality is being challenged in this litigation.

5 6. This matter is not being pursued as a class action.

6 7. No issues should be certified to a state supreme court.

7 8. The parties suggest the deadline for amending pleadings should be set for
8 mid-October 2024.

9 9. The parties suggest the deadline to add additional parties should be late
10 October or early November 2024.

11 10. State Farm has filed the necessary ownership statement pursuant to Fed. R.
12 Civ. P. 7.1.

13 11. This case does not involve a minor or incompetent party.

14 12. The suggested deadline for initial disclosures is August 26, 2024. The
15 subjects on which discovery may be needed includes asserted damages,
16 claim handling practices in general and in this matter, extra-contractual
17 claims, and in regard to the parties' claims and defenses. No issues have
18 been identified regarding preserving discoverable information, including
19 electronically stored information. The parties will work together to agree to

1 a stipulation regarding claims of privilege or protection of discoverable
2 information. The parties are not proposing modifications to the standard
3 discovery procedures at this time but Plaintiff reserves the right to seek an
4 increase in the number of interrogatories, requests for production, and
5 requests for admission given that there are three areas of insurance coverage
6 at issue in this litigation. The parties agree to the standard expert disclosure
7 and discovery cutoff deadlines. The parties will provide for a Fed. R. Evid.
8 502 agreement within the stipulation concerning protected information.

9 13. The parties are working on a proposed protective order/confidentiality
10 agreement.

11 14. The parties agree to the standard dispositive motion deadline. It is
12 anticipated that there may be motions for summary judgment filed on behalf
13 of both parties.

14 15. A jury has not been requested. The conflict dates for trial scheduling for
15 counsel for the parties includes: November 3 – 7, November 24 – 28, 2025,
16 December 22 – 31, 2025, January 20 – 26, 2026. The suggested location for
17 trial is Thomas S. Foley Courthouse in Spokane, WA. The estimated length
18 of trial is 10 days. There is no request for bifurcation. There is no need for
19 special audio/visual courtroom technology.

1 16.The parties are agreeable to exploring private mediation in the future.

2 Barriers to productive mediation includes the lack of discovery exchanged
3 between the parties.

4 17.The parties will stipulate to electronic service of non-pleading documents
5 such as discovery.

6 DATED: August 9, 2024.

7 s/Jacob A. Mark

8 JACOB A. MARK, WSBA #54280
9 CHRISTOPHER C. BROWNING, Jr.
10 WSBA #47760
11 KS Lawyers, PLLC
12 108 N. Washington St., Suite 201
13 Spokane, WA 99201
14 Telephone: (509) 455-3647
15 Facsimile: (509) 624-2081
16 Email: jmark@ks-lawyers.com
17 cbrowning@ks-lawyers.com
18 Attorneys for Plaintiff

19 By: s/Ryan J. Hesselgesser

20 Ryan J. Hesselgesser, WSBA #40720
FORSBERG & UMLAUF, P.S.
901 Fifth Ave, Suite 1400
Seattle, WA 98164
Telephone: 206-689-8500
Email: rhesSELGESSER@FOUM.LAW
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: N/A

s/Jacob A. Mark

JACOB A. MARK, WSBA #54280
CHRISTOPHER C. BROWNING, Jr.
State Bar No. 47760
KS Lawyers, PLLC
108 N. Washington St., Suite 201
Spokane, WA 99201
Telephone: (509) 455-3647
Facsimile: (509) 624-2081
Email: jmark@ks-lawyers.com
cbrowning@ks-lawyers.com
Attorneys for Plaintiff